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LAW OFFICES

**FENNEMORE CRAIG**

A PROFESSIONAL CORPORATION

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September 13, 2004

**HAND DELIVERY**

Brian Bozzo, Compliance Manager  
Utilities Division  
Arizona Corporation Commission  
1200 W. Washington St.  
Phoenix, Arizona 85007

Re: Johnson Utilities Company: Compliance with Decision No. 65840  
Response To ADEQ NOV dated September 2, 2004  
WS-02987A-99-0583; WS-02987A-00-0618

Dear Mr. Bozzo:

Enclosed herewith please find Johnson Utilities Company's Response to the Notice of Violation issued by the Arizona Department of Environmental Quality on or around September 2, 2004.

Should you have any questions, please do not hesitate to call. Thank you for your time and attention in this matter.

Very truly yours,

Patrick J. Black

cc: Brian Tompsett, Johnson Utilities (w/out enc.)  
Ernest Johnson, Utilities Director (w/enc.)  
Steve Olea, Assistant Director (w/enc.)  
Docket Control (w/enc.)

Arizona Corporation Commission

**DOCKETED**

SEP 13 2004

DOCKETED BY	
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AZ CORP COMMISSION  
DOCUMENT CONTROL

2004/SEP 13 P 4:12

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**DAWN G. MEIDINGER**

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September 10, 2004

**VIA U.S. MAIL**

Arizona Department of Environmental Quality  
Attention: William J. (Bill) Hare  
Water Quality Field Service Compliance Unit  
1110 W. Washington Street  
Phoenix, AZ 85007 MC: 5415B-1

Re: Johnson Utilities Company L.L.C.-Section 11 WWTP, Place ID 142, APP  
No. P103081

Dear Mr. Hare:

This firm represents Johnson Utilities Company L.L.C. ("JUC"). In that capacity we are writing in response to a Notice of Violation ("NOV") issued by the Arizona Department of Environmental Quality ("ADEQ") on September 2, 2004. A copy of the NOV is attached hereto for your reference.

The NOV alleges four separate permit violations: two related to permit exceedences; and two related to the failure to conduct verification sampling. JUC acknowledges that its Section 11 wastewater treatment plant ("WWTP") has had some operational difficulties and, as a result, experienced permit level exceedences for fecal coliform and total nitrogen. In addition, verification sampling associated with the exceedences was not conducted.

The operational difficulties at the Section 11 WWTP have been corrected and the plant is operating in full compliance relative to the alert and discharge levels set forth in its Aquifer Protection Permit ("APP"). On behalf of JUC, we would like to provide ADEQ with some background regarding the operational difficulties that resulted in the exceedences and address the steps that JUC has taken to prevent future occurrences.

# FENNEMORE CRAIG

Arizona Department of Environmental Quality

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## I. Operational Difficulties

The elevated nitrate levels at the WWTP were a function of elevated fecal levels. The WWTP utilizes a sixteen-cell lagoon/wetland system that discharges either to a recharge basin at the plant site or to a lake located within the boundaries of the Oasis Golf Course. The system has the capacity to bypass discharge and recycle effluent back to the primary lagoon in the event of operational difficulties.

In the first quarter of 2004, the WWTP experienced flow distribution problems that caused certain wetland beds to receive too much flow and others to starve. Plugging in the perforated piping used for flow distribution caused the problem. The WWTP operator hired a contractor to clean the perforated piping hoping to resolve the problem. Nonetheless, the cycle of flooding and starving in certain beds continued. Later inspections revealed the some of the end caps on the piping had been left off in the cleaning process.

The continued flooding caused the solids content to increase. This created problems with the disinfections process, which in turn caused elevated fecal counts. As a result, a decision was made by the operator to recycle the effluent back to the primary ponds in lieu of discharging. The recycling exacerbated the flooding. The increased surface area of the flooded ponds that was exposed to sun and heat resulted in algae growth. The algae growth created substantial demand for chlorine. Additional chlorine was added, but at the time it was not effective in the disinfection process, primarily because the effluent recycled to the head of the plant had a high nitrogen content requiring higher dissolved oxygen levels to achieve nitrification. The overall nitrate levels continued to rise in discharge flows from the primary lagoons as the process repeated.

Unfortunately, the WWTP operator did not report the problems to upper level management or make the requisite reporting filings with ADEQ. Upon becoming aware of the problems in July 2004, JUC management immediately adjusted and regulated chlorine and dissolved oxygen levels.

## II. Intervention Measures

In addition to adjusting chlorine and dissolved oxygen levels, the following intervention measures were undertaken:

- A. A new operator has been hired and a second individual has been assigned to assist in plant operations.
- B. Additional lab equipment has been purchased to allow for more prompt operation testing and compliance.

# FENNEMORE CRAIG

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C. Aerators are presently running twenty-four (24) hours per day to keep dissolved oxygen levels as high as possible.

D. Sight tubes have been installed in subsurface wetlands to measure the exact water levels.

E. Nitrate levels are also being tested daily with at Hach kit and corresponding samples are being lab analyzed.

F. Fecal coliform and nitrate samples are being sent to the design engineer for review on a weekly basis. As such, APP permit exceedences will be identified and addressed immediately.

### **III. Preventative Measures**

JUC also intends to undertake additional preventative measures to insure that a similar problem does not happen in the future. Some of these measures are as follows:

A. In-house lab testing procedures will be established to provide real-time information regarding plant operations.

B. Additional training regarding operational and reporting requirements will be provided to the operators.

C. Additional in-house reporting procedures will be adopted.

D. The levels of subsurface wetlands will be monitored more closely to keep them below stone bed borders.

E. A consultant who specializes in wetland bed operations will be retained and available on an on-call basis if problems develop.

F. The chlorine/de-chlorination systems will be revamped and consideration will be given to the feasibility of adding a chlorine analyzer.

JUC takes full responsibility for its operational and reporting problems and is committed to working with ADEQ to evaluate and implement other suggestions the agency may have. Additionally, JUC would like to note that the operational difficulties at its plant did not result in any approved point of compliance ("P.O.C.") monitor well exceedences. In addition, no human health or safety threat resulted from the elevated levels of fecal coliform or total nitrogen.

# FENNEMORE CRAIG

Arizona Department of Environmental Quality

September 10, 2004

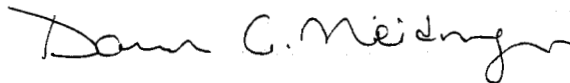
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During the period of difficulty, effluent was either re-rerouted to the head of the plant or discharged on site. As such, there was no human exposure. While JUC is not asserting that these factors excuse its non-compliance, we do respectfully suggest that they are mitigating factors.

In the event that you have any questions or desire an additional site visit to insure compliance, JUC would be pleased to facilitate any such request.

Sincerely,

FENNEMORE CRAIG



Dawn G. Meidinger

## Attachment

cc: Mr. Brian Tompsett – JUC  
Mr. Reg Glos, Pinal County Health Department  
Ms. Michele Robertson, Manager, WPS  
Ms. Vivian Burns, Program and Project Specialist I  
Mr. Don Shroyer, Manager, WQDU  
Mr. Steve Olea, Arizona Corporation Commission  
Mr. Brian Bozzo, Arizona Corporation Commission

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Janet Napolitano  
Governor

# ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street Phoenix, Arizona 85007  
(602) 771-2300 www.adeq.state.az.us



Stephen A. Owens  
Director

CERTIFIED MAIL  
Return Receipt Requested

Case ID #: 32021

September 2, 2004

Johnson International Inc  
Attention: Brian Tompsett  
5230 E Shea Blvd Ste 200  
Scottsdale, AZ 85254-5750

Subject: MGD Precision Golf Course WWTP, 142  
1877 E Bella Vista Rd / Queen Creek, AZ 85242

## NOTICE OF VIOLATION

The Arizona Department of Environmental Quality (ADEQ), has reason to believe that Johnson International Inc as the owner/operator of MGD Precision Golf Course WWTP, has violated a requirement of the Arizona Revised Statutes (A.R.S.), a rule within the Arizona Administrative Code (A.A.C.), or an applicable permit/license, administrative order or civil judgment. ADEQ discovered the violations alleged below during a file review completed on August 23, 2004.

### I. LEGAL AUTHORITY and NATURE OF ALLEGED VIOLATION(S)

1. **Permit 24069 (P103081) - Section 4.0**

The permit limit for daily Fecal Coliform monitoring is 800 c.f.u./100ml.

During the 2nd quarter of 2004, the facility exceeded the permit limit on 58 occasions with results >1800 c.f.u./100ml

2. **Permit 24069 (P103081) - 2.63**

If the verification sampling confirms that the Discharge Limit (DL) has been exceeded the permittee shall immediately investigate the cause of the violation and submit the results of the investigation to ADEQ.

During the months of April, May and June of 2004 the DL for fecal Coliform was exceeded on 58 occasions and the no immediate steps were taken to investigate the cause of the exceedances.

3. **Permit 24069 (P103081) - 4.0**

The permit limit for Total Nitrogen in the effluent is 10.0 mg/L

During the months of December 2003 - 20.36 mg/L, January 2004 - 15.81 mg/L, and February 2004 - 17.70 mg/L the facility had Total Nitrogen exceedances.

4. **Permit 24069 (P103081) - 2.63**

The permittee shall conduct verification sampling within 24 hours of becoming aware of DL exceedances.

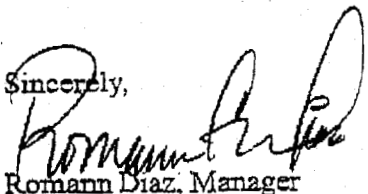
Northern Regional Office  
1515 East Cedar Avenue Suite F Flagstaff, AZ 86004  
(928) 779-0313

Southern Regional Office  
400 West Congress Street Suite 433 Tucson, AZ 85701  
(520) 628-6733

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If you should have any questions please contact me at (602) 771-4814, or Bill Hare at (602) 771-4838.

Sincerely,



Romann Diaz, Manager  
Water Quality Field Services Unit

cc: By U.S. Mail:

Reg Glos, Pinal County Health Department  
P.O. Box 868  
Florence, AZ 85232

By Interoffice Mail:

Michele Robertson, Manager, WPS, ADEQ

Vivian Burns, Program and Project Specialist I, WQCS, ADEQ

Don Shroyer, Manager, WQDU, ADEQ

Facility File

Reading File